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### **REMARKS**

In response to the Non-Final Office Action mailed March 8, 2006 (hereinafter "Office Action"), claims 42, 54, 60, 74, 85-86, and 88-104 have been cancelled without prejudice or disclaimer, and claims 59, 63-64, 67-70, 73, 76-79, and 81-84 have been amended. No claims have been newly added. Therefore, claims 59, 61-65, 67-73, 75-79, and 81-84 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

### **CLAIM OBJECTIONS**

The Examiner has objected to claims 93-94 for allegedly not reciting any method steps even though they are method claims [Office Action, pg. 2, ¶2]. Although Applicants disagree with the propriety of the objection, the cancellation of claims 93-94 has rendered the objection moot.

### **REJECTIONS UNDER 35 U.S.C. § 112, ¶1**

#### **A. Written Description.**

Claims 88-104 stand rejected under 35 U.S.C. § 112, ¶1, as allegedly failing to comply with the written description requirement [Office Action, pg. 2, ¶4]. Although Applicants disagree with the propriety of the rejection (*e.g.*, the Specification *does* disclose, at pg. 40, lines 1-8, that the access log of custody information includes, among other things, the

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time of access), claims 88-103 have been cancelled *solely* in an effort to expedite prosecution.

Accordingly, the rejection is moot with regard to these claims.

With particular regard to claim 104, Applicants note that the claim language of independent claim 104 did *not* include the recitations (*e.g.*, “custody log”) cited by the Examiner as allegedly lacking written description support in the specification. Regardless, the cancellation of claim 104 has rendered the rejection moot.

B. Enablement.

Claims 89-94 and 96-103 stand rejected under 35 U.S.C. § 112, ¶1, as allegedly failing to comply with the enablement requirement [Office Action, pg. 3, ¶5]. Applicants disagree with the propriety of the rejection. However, *solely* in an effort to expedite prosecution, claims 88-103 have been cancelled, rendering the rejection moot.

**REJECTIONS UNDER 35 U.S.C. § 103**

The rejection of claims 42, 54, and 88-104 under 35 U.S.C. § 103(a) has been rendered moot by the cancellation of these claims. As such, the following remarks will focus on the rejection of pending claims 59, 61-65, 67-73, 75-79, and 81-84.

Independent claims 59 & 73, and dependent claims 60-63, 65, 67-69, 71-72, 75-77, 79, and 81-83 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of U.S. Patent No. 5,948,038 to Daly *et al.* (“Daly”) in view of U.S. Patent No. 5,719,396 to Jack *et al.* (“Jack”), further in view of U.S. Patent No. 5,319,199 to Stedman *et al.* (“Stedman”) [Office Action, pg. 5, ¶9]. Dependent claims 64, 70, 78, & 84

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stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Daly, Jack, and Stedman, further in view of Official Notice [Office Action, pg. 7, ¶13].

Applicants disagree with the propriety of the rejections for at least the reason that the Examiner has failed to establish a *prima facie* case of obviousness. However, *solely* in an effort to expedite prosecution, one or more claims have been amended to more clearly reflect points of novelty over the references of record.

In particular, independent claim 59 recites, *inter alia*, the features of:

generating at least one record for the at least one vehicle, the at least one record comprising the emissions data, the image data, and the license plate data; and

enabling the at least one record to be edited by a user, via a graphical user interface, and wherein the user is prompted to bypass editing of the at least one record if the emissions data corresponding to the at least one vehicle is deemed unreliable.

Independent claim 73 includes similar recitations:

means for generating at least one record for the at least one vehicle, the at least one record comprising the emissions data, the image data, and the license plate data; and

editing means that enables the at least one record to be edited by a user, via a graphical user interface, and wherein the editing means prompts the user to bypass editing of the at least one record if the emissions data corresponding to the at least one vehicle is deemed unreliable.

Neither Daly, Jack, nor Stedman, viewed either alone or in combination, teach or suggest *at least* these features. Daly, for example, makes no reference whatsoever to the testing of vehicle emissions using a remote vehicle emissions sensing device. As such, Daly also fails to teach the feature of prompting a user to bypass editing of at least one record

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(comprising emissions data, image data, and license plate data) if the emissions data corresponding to the at least one vehicle is deemed unreliable.

Jack and Stedman do not cure at least the foregoing deficiencies of Daly. Neither Jack nor Stedman appear to teach or suggest prompting a user (using a graphical user interface) to bypass editing of at least one record (comprising emissions data, image data, and license plate data) if the emissions data corresponding to the at least one vehicle is deemed unreliable.

For at least these reasons, the rejection of independent claims 59 and 73 is improper and should be withdrawn. Dependent claims 61-65, 67-72, 75-79, and 81-84 are allowable because they each depend from an allowable independent claim, as well as for the further features they recite.

With particular regard to the rejection of dependent claims 64, 70, 78, and 84 [Office Action, pg. 7, ¶13], Applicants *traverse* the Examiner's unsupported contention that the recited features are old and well known in the art. The Examiner makes general allegations citing "design choice" and an "expected result," but provides no evidence to demonstrate that the features at issue are old and well known in the context of the system and method disclosed and claimed by Applicants. Accordingly, the Examiner's rejection of these claims is improper and should be withdrawn. Should this rejection be maintained, Applicants request that the Examiner provide evidentiary support for the rejection.

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### CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: June 8, 2006

Respectfully submitted,

By: \_\_\_\_\_

  
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